This paper is responsive to the final Office Action mailed August 10, 2007.

At the outset, the Applicant's representative thanks Examiner Jean-Gilles for his time and courtesy during the telephone interview of September 5, 2007.

As the Examiner will recall from the recent telephone interview, the undersigned emphasized that the secondary reference to Ando et al. teaches (as does the primary reference Hawkins et al.) that the mobile device issues a <u>single request for content</u>. Thereafter, responsive to this <u>single request for content</u>, the mobile device 6 of Ando et al. receives the requested content. This is also the case with the primary reference to Ando, as repeatedly acknowledged by the Office. A combination of Hawkins and Ando, therefore, cannot be said to teach or to suggest the claimed subject matter.

The "position information" taught by Ando et al. and relied upon in the final Office Action mailed August 10, 2007, as the Examiner will recall from the telephone interview, is not relevant to the pending claims which require a first request for content and a second request for the (same) content from the mobile device. This was also agreed to during the recent telephone interview.

The Examiner, during the telephone interview, also agreed with the undersigned that a Request for Reconsideration incorporating the results of the interview is appropriate in this case. The Examiner, of course, also cautioned the undersigned that a further search may be necessary. However, as developed fully below, such a search would not be necessitated by any amendment or arguments not previously of record in this case.

The final Office Action mailed August 10, 2007 also indicated that claims 2-6, 13, 14, 17-19 and 35 would be allowable if amended in independent form, including the limitations of any intervening claims. For this indication of allowable subject matter, the undersigned wishes to thank Examiner Jean-Gilles. The Examiner, during the telephone interview, indicated that perhaps claim 2 could be incorporated into independent claim 1. Such could be done, of course. However, it is respectfully submitted that claim 1, as presently defined, defines over the applied prior art and that no such amendment is believed necessary in view of the applied combination of references. Indeed, the Hawkins-Ando combination does not teach or suggest the limitations of claim 1, as agreed during the telephone interview and as developed in detail below.

In the final Office Action, claims 1, 7-10, 12, 15, 16, 20-34 and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hawkins et al. in view of Ando. Reconsideration and withdrawal of these rejections are respectfully requested.

I.   Independent claim 1

Independent claim 1 recites:

> responsive to the first request for content, sending to the mobile device an address of the requested content in a reference format;
> receiving a second request from the mobile device for the content subsequent to the first request for content, the second request received from the mobile device being different from the first request received from the mobile device, the second request specifying an address of the requested content and a type of the mobile device;

The primary reference to Hawkins et al. does not teach receiving a second request from the mobile device for the requested content, as acknowledged in the outstanding and previous Office Actions. It falls, therefore, to the secondary reference to Ando to teach or suggest the claimed subject matter. Failing such, the 35 U.S.C. §103(a) rejection must be reconsidered and withdrawn.

As agreed during the telephone interview, Ando does not teach or suggest, whether considered alone or in combination with Hawkins et al., receiving the first <u>and</u> second requests as claimed. That Hawkins et al. fails to do so has already been established (and repeatedly acknowledged by the Office). The Examiner is again respectfully reminded that the definite article "the," in the recitation "the second request specifying an address of **<u>the</u>** requested content" refers to the same "requested content" as the first request from content received from the mobile device.

Keeping the foregoing in mind, it is respectfully submitted that Ando does not teach a second request from the mobile device for <u>the</u> content requested in the first request for content from the mobile device. In other words, neither Hawkins et al. nor Ando, whether considered singly or in combination, teach or suggest receiving both a first request for content and a second request for **<u>the</u>** content from the mobile device, and much less receiving the second request for the content such that the second request specifies "an address of the requested content and a type of the mobile device," as claimed.

Indeed, Hawkins et al. teach one way for a mobile device to receive content (using a single HTTP request – see Hawkins et al.'s Fig. 1) and Ando teaches another way for a mobile to receive content (again, using a <u>single</u> request). However, both patents teach that <u>mobile devices issue a</u> **<u>single request</u>** <u>that is serviced to return the requested content to the mobile device</u>. That two patents use two different methods for a mobile device to retrieve data does not, in itself, teach or suggest a mobile device that issues two separate requests to obtain content. There is no teaching or suggestion in Ando that would motivate a person of ordinary skill to modify Hawkins et al. to achieve the claimed subject matter in which a second request is received for the content requested by the first request for content, as is discussed below in detail. Quite to the contrary, the person of ordinary skill in the art would not be motivated to use two requests to obtain requested content, as

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both Hawkins et al. and Ando teach that a <u>single</u> request from a mobile device is sufficient to obtain the requested content.

Ando teaches that the mobile device issues a <u>single</u> request to receive requested content. See, for example, Ando's Abstract:

(57)   **ABSTRACT**

The present invention relates to a data communication system in which a first request signal containing position information is transmitted from a first mobile unit (6) to a base station (2), and in which the base station (2) searches for a, second mobile unit (5) in accordance with the position information contained in the first request signal, then transmits a second request signal to the second mobile-unit (5), and returns data returned from the second mobile unit (5) to the, first mobile unit (6).

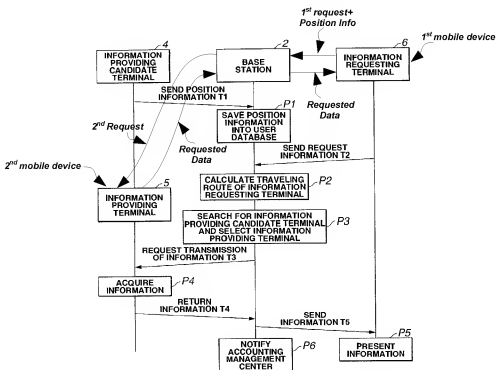Ando's Abstract can be traced onto his Fig. 2 (annotated herewith) as follows:

FIG.2

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As may be seen, a single request (1st request + position information) from the mobile device 6 results in the <u>base station 2</u> making a 2nd request to a second mobile device 5. The base station 2 then searches for and finds another mobile device 5, using the position information provided by the 1st mobile device 6. The mobile device 5 then returns the requested data to the base station 2, which then forwards the requested data obtained from the second mobile device 5 to the first mobile device 6. Note that the first mobile device 6 makes a **single** request for data, which single request is then serviced by the base station via the second mobile device 5. The first mobile device 6 makes a single request and receives, in return, the requested data.

See drawing fragment below, in which Ando et al.'s mobile unit 6 (the Information requesting Terminal 6) makes a **single** request for data(1st request + position info), whereupon the base station 2 (does a lot of processing) and returns the Requested Data in response to the mobile unit 6's **single** request:
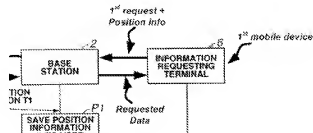
Contrast this with claim 1 of the present application:

> **receiving a second request from the mobile device for the content subsequent to the first request for content,**

Note that the second request is received from **the** mobile device for **the** content subsequent to the first request for content. As noted above, in claim 1, the second request is from the same mobile device from which the first request was received, and for the same content. Ando simply teaches a single request for content, which single request is then serviced by the base station 2.

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That the base station 2 in Ando makes a request for the data from a second mobile device 5 to satisfy the request from the first mobile device 6 is not germane to claim 1.

The Office pointed to paragraph [0013] of Ando as teaching the claimed second request from the mobile device. Paragraph [0013] is reproduced herein below:

> [0013] Another mobile device according to the present invention comprises: position information acquisition means for acquiring position information; signal generation means for generating a first request signal containing the position information; input means for inputting data; and communication means for communicating a signal to/from an external device or another mobile device. When requesting data obtained by another mobile device, the communication means of this mobile device transmits the first request signal containing the position information to the external device and receives data returned from another mobile device in accordance with the first request signal. When providing data to another mobile device, the communication means receives a second, request signal containing information related to another mobile device transmitted from the external device and returns data inputted by the input means in accordance with the second request signal to another mobile device.

Paragraph [0013] can be parsed this way:

a) the structure of a mobile device:

> [0013] Another mobile device according to the present invention comprises: position information acquisition means for acquiring position information; signal generation means for generating a first request signal containing the position information; input means for inputting data; and communication means for communicating a signal to/from an external device or another mobile device.

b) how the mobile device works when requesting data obtained by another mobile device:

> When requesting data obtained by another mobile device, the communication means of this mobile device transmits the first request signal containing the position information to the external device and receives data returned from another mobile device in accordance with the first request signal.

c) how the mobile device works when providing data to another mobile device:

> When providing data to another mobile device, the communication means receives a second, request signal containing information related to another mobile device transmitted from the external device and returns data inputted by the input means in accordance with the second request signal to another mobile device.

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As the Office will note, the structure of the mobile device is not remarkable: a position information acquisition means, signal generation means, input means and communication means. When receiving data obtained by another mobile device, the mobile device transmits the first request, and receives data from the other mobile device in accordance with the first request. This is the situation illustrated in Fig. 2 above and described in the Abstract. When providing data to another mobile device (this is the situation from the point of view of the 2nd mobile device 5 of Fig. 2 above), the second mobile device 5 receives the 2nd request (from the base station 2) and returns the requested data to the mobile device (to the 1st mobile device 6, through the base station 2, as shown and described relative to Fig. 2 above).

Therefore, Ando does not teach or suggest, whether considered alone or in combination with Hawkins et al., for a mobile device to

> **responsive to the first request for content, sending to the mobile device an address of the requested content in a reference format;**
> **receiving a second request from the mobile device for the content subsequent to the first request for content, the second request received from the mobile device being different from the first request received from the mobile device, the second request specifying an address of the requested content and a type of the mobile device;**

as required by independent claim 1. Indeed, the applied combination fails to teach or to suggest receiving a second request from the mobile device for the content subsequent to the first request for content, in which the second request received from the mobile device is different from the first request received from the mobile device, and much less teaches or suggest receiving a second request that specifies an address of the requested content and a type of mobile device, all of which are required by independent claim 1.

The Examiner, in the "Response to Amendment/Arguments" section of the final Office Action, pointed to Ando's mobile device 6 and stated that Ando teaches that the mobile unit

transmits a request containing position information and "that any number of queries can be transmitted," see, page 4 of the final Office Action. However, as discussed during the telephone interview and as detailed above, the position information is not relevant to the claimed invention, which is unconcerned with position information (unlike Ando). Moreover, Ando does not teach that the mobile unit 6 makes two requests for **the** (i.e., same) content or that such first and second requests are received and serviced in the manner defined by claim 1. The Office has not pointed to any reference or combination of references that meet or suggest the subject matter of claim 1.

II.   Independent claim 20

Independent claim 20 recites:

> **a first proxy server configured to receive a second request from the mobile device for the content, the second request received from the mobile device being different from the first request received from the mobile device, the second request including the address of the requested content in the reference format and a type of the mobile device, to fetch the content at the received address responsive only the second request only, to convert the fetched content from the reference format to a format suitable to the type of mobile device and to deliver the converted content to the mobile device.**

Kindly note that claim 20 includes the recitation "a **second request** from the mobile device for **the** content" and "the second request including the address of the requested content," as does independent claim 1. Therefore, the arguments advanced relative to claim 1 are equally applicable to independent claim 20. As such the above arguments are incorporated herein by reference as if repeated here in full. Independent claim 20, therefore, is believed to be allowable for the same reasons as is independent claim 1.

Moreover, claim 20 requires a first server configured as claimed and a first proxy server, which is a separately claimed element from the first server. However, the Office has identified the first server and the separately claimed first proxy server as both corresponding to Hawkins et al. item 180. Assuming, *arguendo*, that the claimed first server and the separately claimed first proxy

server both correspond to Hawkins et al.'s item 180 (which they do not), the requirements of the claim are <u>still</u> not satisfied. Missing from the applied combination is the "second request received from the mobile device being different from the first request received from the mobile device, the second request including the address of the requested content in the reference format and a type of the mobile device." Missing also is a first server (204 in Applicant's Fig. 3) configured to receive the first request (S1 in Applicant's Fig. 3) from the mobile device <u>and</u> a second server (the claimed first proxy server – see 208 in Applicant's Fig. 3) that is configured to receive a second request (S3 in Applicant's Fig. 3). Each of the two references disclose a single server (the proxy server 180 in Hawkins et al. and the base station 2 in Ando) that receives a single request (HTTP request in Hawkins et al.) from the mobile device to receive the requested content (HTTP response in Hawkins et al.). It is only independent claim 20 (and not the applied combination) that recites a first server <u>and</u> a first proxy server, each being configured to receive a separate request from the mobile device for the same content, as claimed.

The Office points to Ando's paragraphs [0013] to [0023] as teaching the claimed first proxy server configured…"to fetch the content at the received address responsive only the second request only, to convert the fetched content from the reference format to a format suitable to the type of mobile device and to deliver the converted content to the mobile device," as recited in independent claim 20.

Paragraph [0013] has been dissected above. Paragraphs [0014], [0015] and [0016] detail functional structure for the single base station 2. Paragraphs [0017] describes a communication system … adapted to carrying out communication among a first mobile unit, a second mobile unit and <u>a</u> base station. Note the absence of any first server <u>and</u> a first proxy server, as required by independent claim 20. Paragraphs [0018], [0019] and [0020] detail the method outlined in the

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Abstract above and shown in the annotated Fig. 2 above, including searching for the second mobile unit by the base station 2 (paragraph [0021]). Paragraphs [0022] and [0023] are drawn to Ando's computer program for carrying out the functionality detailed above. From the foregoing, it is clear that Ando, whether considered alone or in combination with Hawkins et al. (as it must in the context of the applied §103(a) rejection, does not teach or suggest the embodiments of claims 1 or 20.

Indeed, both the rejections of independent claims 1 and 20, it is respectfully submitted that the combination of Hawkins et al. and Ando would not teach the claimed embodiments. Rather, a person of ordinary skill in this art in full possession of both references would only be motivated to modify Hawkins et al. by modifying Hawkins et al.'s proxy server 180 to search out and find another mobile device in accordance with position information provided by the first mobile device, to obtain the requested data from the found other mobile device and to provide the data to the first mobile device, as taught by Ando. Missing and wholly unsuggested from such a combination would be the methods and computer systems claimed herein, **particularly the second request for the content requested by the first request for content as claimed in both claims 1 and 20 and the first server and the first proxy server, each configured as claimed in claim 20**. Reconsideration and withdrawal of the obviousness rejections of claims 1 and 20 and of their respective dependent claims are, therefore, respectfully requested.
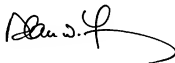
It is believed that the arguments presented during the telephone interview of September 5, 2007, and in this Request for Reconsideration overcome the outstanding rejections and places this application in condition for allowance. Indeed, each independent claim defines methods and specifically-identified steps that are not shown or suggested, either directly or indirectly, by the applied combination of references. In view thereof, it is respectfully submitted that the 35 U.S.C.

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§103(a) rejection applied to the claims should be reconsidered and withdrawn. The same is, therefore, respectfully requested.

It is respectfully believed that <u>the present response is properly enterable</u> and the present application allowable after final rejection for the following reasons. At the outset, the present response places this case in condition for allowance, as the cited combination of references is not believed to teach or to suggest the recited structure of the independent claims, as developed in detail above and as agreed during the recent telephone interview. Moreover, none of the claims were amended. Therefore, <u>all of the claims (both independent and dependent) have been fully searched and considered by the Examiner</u>. Of course, the Examiner may wish to perform an <u>updated search</u> prior to allowing this application. However, such a search is not necessitated by the <u>nature</u> of the response herewith – as no claims were amended and as all arguments presented herewith were previously presented in the Response filed May 24, 2007. The present application is also believed to be <u>allowable without undue additional consideration</u>, as the Examiner has already considered each of the recitations of each independent claim. As the independent claims have been fully distinguished from the applied combination, Applicant believes that the applied rejections have been overcome in a manner that enables the application to be allowed without further search and/or consideration. Indeed, any further consideration that might be required is believed to be *de minimis*, as the present amendment is believed to place this application in condition for allowance without consideration of any new claim amendment, issues and/or subject matter. Therefore, this application is believed to be in allowable form without requiring the applicant to expend additional fees to refile and re-prosecute this application in a Request for Continued Examination (RCE) or go to the added expense of filing a Pre-Appeal Brief Request for Review or prosecuting a full Appeal before the Board.

Applicant's attorney, therefore, respectfully submits that all claims are allowable and, therefore, the present application is in condition for an early allowance and passage to issue. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below.

Respectfully submitted,

Date: September 5, 2007   By:_____

Alan W. Young
Attorney for Applicant
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Rd., Ste. 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

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